

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YASHUA PLAIR,

Plaintiff,

-against-

**NOTICE OF MOTION**

CITY OF NEW YORK; Commissioner DORA B.  
SCHIRRO; Chief of Department LARRY W. DAVIS, SR.;  
Deputy Commissioner FLORENCE FINKLE; Supervising  
Warden of Division II ARTHUR OLIVARI; Warden  
EMMANUEL BAILEY; Officer PEREZ; JOHN DOES #  
1-20,

**10 CV 8177 (RWS)**

Defendants.

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**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Steve Stavridis, dated December 29, 2010, and the exhibits annexed thereto; the Memorandum of Law in support, dated December 29, 2010; and all the pleadings, papers and proceedings herein, defendants the City of New York, Dora B. Schirro, Larry W. Davis, Sr., Florence Finkle, Arthur Olivari and Emmanuel Bailey will move this Court, before the Honorable Robert W. Sweet, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's federal claims against defendants, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, must be served within the time provided in Local Rule 6.1 of the Southern District of New York.

Dated: New York, New York  
December 29, 2010

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York, Attorney for the City of New  
York City of New York, Dora B. Schirro, Larry W.  
Davis, Sr., Florence Finkle, Arthur Olivari and  
Emmanuel Bailey  
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(212) 788-8698



By: \_\_\_\_\_

Steve Stavridis  
Assistant Corporation Counsel

TO:  
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